#### 4 of 4

## **EXHIBITS** PLAINTIFF'S REPLY TO WP 479

Plaintiff's Statement # 12

EXHIBIT #44 Letter confirmed Service Repair for Printer on April 17, 2023 at The Montery

EXHIBIT #45. Will Seippel Declaration filed 06/29/2020 in ECF 61- and in Pl. Evid. 000214 -000216

Plaintiff's Statement # 13

EXHIBIT #46 WorthPoint's Evid. Pl. Jan.4, 2017 email Re 1972 post WP000132, 000133, 000134

EXHIBIT#47 Pl. Internet Expert Witness Mr. O'Leary's Deposition Pages 100 to 107

Plaintiff's Statement # 16

EXHIBIT # 47 A eBay phone call Transcript page 8-13 and page 19.

EXHIBIT #48 A Pl. Evid. 000163 Photo "A. Trombetta" in WorthPoint webpage B Plaintiff's 1972 childhood signature Pl. Evid. 000260

Plaintiff's Statement #17

EXHIBIT #49 A Plaintiff Evid. 000316 1972 childhood signature on notebook cover B Estate Auctions Inc. photos red pencil signature misspelling Pl. name Plaintiff Evid. 000142 000143 and Plaintiff Evid. 000165

Plaintiff's Statement #18

EXHIBIT # 50 A Pl.Evid 001006 and #50 B Greg Watkins Feb. 3 2016 phone transcript.

EXHIBIT #51 Plaintiff's Feb. 20, 2016 email to Will Seippel in a Meta Data Print out Pl. Evid. 000366 000366A, 000366B, 000366C, 000366D

EXHIBIT #52 Estate Auctions Inc. EAI000073 to EAI000079



## 18-CV-0993-Plaintiff's Summary Judgement, Declaration and Rule 56.1

Annamarie Trombetta <atrombettaart@gmail.com> To: Temporary Pro Se Filing@nysd.uscourts.gov

Mon, Apr 17, 2023 at 11:55 PM



#### Declararation of Annamarie Trobetta with Exhibi...

To Whom it May Concern in the Pro Se Office:.

**Plaintiff** 

Annamarie Trombetta

Address

175 East 96th Street (12 R)

New York, New York 10128

Telephone

(212) 427-5990

I, Annamarie Trombetta am the Flier in case 18-CV-0993

Pro Se Plaintiff is filing

Kindly file this:

in case Cv-18-0993.

I thank you in advance for your anticipated cooperation.

Sincerely,

Annamarie Trombetta

#### 2 attachments

2311K

Memorandum of Law in Support of Plaintiff's Motion for Summary Judgement.pdf

Rule 56.1 .pdf 142K



April 20th, 2023

Re: Annamarie Trombetta 175 East 96<sup>th</sup> Street, Apt 12R New York, NY 10128

To Whom It May Concern,

On April 17th, 2023, there was a repair man who came in and serviced the printers in our business center.

If you may have any questions or concerns, please feel free to contact me.

Sincerely, Ermina Cirikovic



Compliance Specialist T: 212-510-6503

F: 607-354-3243

erminac@montereynyc.com

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## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Annamarie Trombetta,	} FUHBIT
Plaintiff,	
V.	) Civil Action No: 18-cv-00993 (RA) (SLC)
Norb Novocin, et al.,	445
Defendants.	

## DECLARATION OF WILLIAM H. SEIPPEL IN SUPPORT OF DEFENDANTS WORTHPOINT CORPORATION AND SEIPPEL'S MOTION TO DISMISS

#### I, WILLIAM H. SEIPPEL, state as follows:

- My name is William H. Seippel, and I am a resident of the State of Georgia. I am
  over the age of 18 and am competent to testify to the matters and facts set forth below, all of
  which are within my personal knowledge.
- I am the Chief Executive Officer and Founder of WorthPoint Corporation ("WorthPoint").
- WorthPoint is an online resource for researching and valuing antiques, art, and other collectibles.

W6/24/20

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- 4. WorthPoint's primary offering, the Worthopedia, is a searchable online database that provides subscribing users with historical pricing data from actual auction and retail sales. The Worthopedia is accessible to users from the website <a href="www.worthpoint.com">www.worthpoint.com</a>. And it provides subscribers with access to more than 525 million historical auction listings, including historical listings from the online auction website www.ebay.com.
- 5. In or around January 2016, I became aware that Plaintiff Annamarie Trombetta contacted WorthPoint regarding an auction listing in the Worthopedia that she alleged infringed her copyright rights (hereinafter, the "Allegedly Infringing Auction Listing"). And, on or around February 4, 2016, I caused the Allegedly Infringing Auction Listing, which was displayed at <a href="https://www.worthpoint.com/worthopedia/1972-original-oil-painting-man-red-4892417">https://www.worthpoint.com/worthopedia/1972-original-oil-painting-man-red-4892417</a>, to be permanently deleted from WorthPoint's website. Once deleted, the Allegedly Infringing Auction Listing was never reposted to the Worthopedia.
- 6. On February 20, 2016, I received an email from Plaintiff Trombetta which stated that a reference to the title of the Allegedly Infringing Auction Listing remained visible when she conducted a "google search for the painting '1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta..." Shortly thereafter, on March 1, 2016, I responded to Plaintiff Trombetta's February 20, 2016 cmail and informed her that "we have taken down any pages that you have asked to have taken down as a courtesy to you" and that any reference to the Allegedly Infringing Auction Listing in her Google search "reflected the past" and was the result "of that search engine's memory."
- On February 5, 2018, Plaintiff Trombetta filed a complaint against Estate
   Auctions, Inc., Marie Novocin, and Norb Novocin in the United States District Court for the

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Southern District of New York. Thereafter, on February 21, 2020, Plaintiff Trombetta filed a Response in Opposition to Defendants' Motion to Dismiss (Doc. 36) that was interpreted by the Court as asserting both contributory copyright infringement claims and DMCA claim against both WorthPoint and me.

- 8. I have never been personally served with a summons or a complaint in the above-captioned matter. Nor has a summons or complaint been delivered to my usual place of abode or to an agent authorized by me to receive service of process.
- 9. While WorthPoint Corporation was served with a copy of Plaintiff Trombetta's Proposed Amended Complaint (Doc. 33) through its registered agent CT Corporation Systems on May 12, 2020, no summons was served with the Proposed Amended Complaint (Doc. 33) or otherwise delivered to WorthPoint. Moreover, WorthPoint has never been served with a copy of Plaintiff's Response in Opposition to Defendants' Motion to Dismiss (Doc. 36).

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 21th day of June 2020, at Atlanta, GA.

William H. Seippel

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Jason Packer < jason.packer@worthpoint.com>

# FW: Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com → Worthopedia™------Artist Annamarie Trombetta

4 messages

Will Seippel <will.seippel@worthpoint.com>

To: Jason Packer <jason.packer@worthpoint.com>

Cc: Antoine Lyseight <antoine.lyseight@worthpoint.com>

Wed, Jan 4, 2017 at 11:48 AM

Hi Jason, is there anyway you can stop Google from indexing this to our site? There us nothing on our site from her, just this link that Google keeps recognizing.

From: Annamarie Trombetta [mailto:trombettaart@yahoo.com]

Sent: Wednesday, January 04, 2017 11:28 AM

To: will@worthpoint.com

Subject: Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com → Worthopedia™-----Artist

**Annamarie Trombetta** 

Mr. Sieppel,

Please allow me to Re-introduce myself. My name is Annamarie Trombetta. I am an artist. Last year I found a MISATTRIBUTION of a painting that I did NOT create on your website--Worthpoint.com which came up on the internet under my name. Specific personal content from my professional biography on my personal artist website was copied, transplanted and posted on your site. A picture of a painted signature on canvas signed A. Trombetta that was NOT MY signature was also photo featured on the Worthpoint.com website listing.

On February 20, 2016 I contacted you via e-mail. Prior to contacting you I had spoken several times with your employer Anita and eventually I was on the phone at length with your webmaster Mr. Gregory Watkins regarding the FRAUDULENT posting of a painting that I did not create. I requested that this Fraudulent listing be permanently removed. I also sent a notice to the company website. SEE BELOW

# Ticket #57565: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

WorthPoint | Feb 20, 2016 10:24AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to hombaltant/gyahoo.com in reference to Case #57565.

I am contacting you once again **almost a year later** because I found yet again a listing from Worthpoint.com under my name--Annamarie Trombetta artist. Below is today's listing January 4th 2017 of subjects and site which come up when I Google **Annamarie Trombetta artist. PLEASE REVIEW** --- **The Marilyn Monroe listing** was the **first** place where my name was Falsely associated along with the fraudulent painting and signature attributed to me that was listed on Worthpoint.com.

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A year ago I took time, energy and effort to contact you and your company regarding the false attribution and requested that it should be removed. I have NEVER HAD ANY ASSOCIATION with WORTHPOINT.com---NOR have I ever had any business with Worthpoint.com and yet in a Google search for Annamarie Trombetta Artist your company is listed under my name. This listing is not authentic and has NO RIGHT TO BE LISTED UNDER MY NAME. The Listing from Worthpoint.com is taking up space that should be for my other TRUE credentials ---and should not BE OCCUPIED by your company.

I am requesting that you remove this IMMEDIATELY from the internet -- kindly contact Google and responsibly deal with this issue to bring about a PERMANENT ENDING. I do NOT WISH TO BE ASSOCIATED with your company---in ANY WAY. The numerous times that I have had to contact you regarding this issue is an outrage and a waste of my personal time. This is costing me time, effort and energy needlessly and for NO LOGICAL REASON as AGAIN I have contacted your company numerous times.

I am requesting a written response to this e-mail as soon as possible as a confirmation for receipt of this e-mail. Further, I am requesting that you and your company PERMANENTLY remove the association --or connection that Google or the algorithms on any other internet site thereof have between your company ---Worthpoint.com---- and my name Annamarie Trombetta.

Sincerely,

Annamarie Trombetta

Central Park's Plein Air Past | OutdoorPainter

www.outdoorpainter.com > Home > Artist Profile

1.

Mar 2, 2015 - "The Destructive Dance of 'Sandy," by Annamarie Trombetta ... all this history, and the connections generated by artists, gave me a mission.".

You've visited this page many times. Last visit: 11/2/16

Artist Annamarie Trombetta working on her piano, which ... - Pinterest

https://www.pinterest.com/pin/177751516514603960/

Artist Annamarie Trombetta working on her piano, which commemorates the 10- year anniversary of 9/11. | See more about Piano, Anniversaries and Artists.

You've visited this page 2 times. Last visit: 2/16/16

#### Page 1 - Italian American Museum

italianamericanmuseum.org/exhibitions/Pleinair.htm

1.

Acclaimed artist Annamarie Trombetta presents a solo exhibition that celebrates the influence of the Italian Macchiaioli (Risorgimento) Artists and the American ...

You've visited this page many times. Last visit: 10/14/16

artist annamarie trombetta's imagery offers visionary interpretation of ...

www.italianamericanmuseum.org/news/news\_plein.html

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Artist Annamarie Trombetta's "Central Park Imagery," a collection of en plein air works in oils, pastels, watercolors, etchings and drawings will be on display at ...

Staten Island native's passionate love affair with Central Park still ...

www.silive.com/entertainment/index.ssf/.../annamarie\_trombetta\_takes\_a\_wa.html

Jan 12, 2015 - STATEN ISLAND, N.Y. — After 20 years and well over a hundred works of art, painter Annamarie Trombetta still hasn't had her fill of Central ...

You've visited this page many times. Last visit: 11/2/16

# Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com > Worthopedia™

.. Blue Hello Kitty Obey Giant Shepard Fairey Signed & Numbered Rare Print · Handmade New Mexican Folk **Art** Church Birdhouse LARGE Lark Sedona ...

Jason Packer <jason.packer@worthpoint.com>
To: Will Seippel <will.seippel@worthpoint.com>
Cc: Antoine Lyseight <antoine.lyseight@worthpoint.com>

**网络自然社会企业发生的企业新疆** 

Wed, Jan 4, 2017 at 9:49 PM

I filed a temporary removal request with Google which may help flush out that URL, but since that URL is showing up for that search based on off-page signals that may not be enough to get it to stop showing.

Beyond that the only thing we could do is remove the URL altogether, let me know if I should do that.

[Quoted text hidden]

Will Seippel <will.seippel@worthpoint.com>
To: Jason Packer <jason.packer@worthpoint.com>

Wed, Jan 4, 2017 at 9:51 PM

**数据证明证明的证明的证明证明证明证明证明** 

I would remove it if not too much trouble.

Happy New Year!

Will

[Quoted text hidden]

Jason Packer < jason.packer@worthpoint.com > To: Will Seippel < will.seippel@worthpoint.com >

Thu, Jan 5, 2017 at 8:20 AM

Sure thing, removed.

[Quoted text hidden]

EXH(B(T

## / ( )

Page 100

1 P. O'LEARY know, I have experience, I have expertise, 2 3 scientific, technical, specialized knowledge, skill, training, education, and 4 5 personal experience beyond the common 6 knowledge and outside the executive function of the trier, that qualifies me to 7 render expert opinions on this litigation 8 matter. It's right there in plain, simple 9 10 English. 11 So with the level that I built 12 on the internet -- built a company that 13 sold for \$45 million, all right -- I didn't 14 blow smoke at people for that kind of 15 company of that size. And if I did, trust 16 me, I have the knowledge. 17 I ran an entire data center, I 18 had my own network, I had every kind of 19 Cisco router equipment available, every 20 type of web server, every type of software 21 that was used to do this, e-commerce, and 22 how it all ties back to what the juror may 23 need to know. 24 And I cite the two examples

that are exactly related this to case, that

Page 101

#### P. O'LEARY

I will gladly explain to the jury in detail.

And by the end of my testimony, every juror in that juror box will fully understand that this URL that Ms. Trombetta tried to get you to pull down, without litigation, could have been done within a number of days. And I will absolutely make sure, before I get off that witness stand, every juror and every judge will fully understand how this could have been done in a matter of hours or days.

> MS. FARMER: Okay. Again, I move to strike as nonresponsive.

- Α. Oh, baloney.
- 0. Which positions in your background have given you the experience that you believe you have that the jurors do not have; was it match -- what did you say, "Match" what?
  - Matchmaker.com. Α.
- 23 -- matchmaker.com or anything 0. 24 else?
  - Every one of my positions that Α.

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HB H#47(3)

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1 P. O'LEARY I've held since college. In the 35 years 2 I've been a programmer, I've done 3 everything from literally sitting in a 4 cubicle being a programmer, all the way up 5 to being the CEO of the company. 6 And the college you're 7 referring to is the 1987 degree in 8 electrical engineering from NYU Polytechnic 9 10 Institute, of Brooklyn; is that what you're 11 referring to? 12 But you conveniently Yes. 13 skipped over computer science in your 14 description. Computer science, also. Is that the college degree 15 0. 16 you're referring to? 17 I have the electrical 18 engineering degree and I also have an MBA. 19 In 1987, was Google around back 0. 20 then? 21 Google may not have been --Α. 22 '87, most people didn't know what the 23 internet was. Internet became popular in the early '90s, so you're trying to split 24

hairs on four years. In 1992, the HTTP

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Page 103

#### P. O'LEARY

protocol became publicly available. That's when it became -- when the RFC, request for comments, was released to the public and the first websites started to come up was 1992. It hit the commercial mainstream by 1995, all right, which is still 16 plus five, is 21 years before Ms. Trombetta tried to get you to remove that silly URL off of your website.

MS. FARMER: Again, move to strike as nonresponsive.

- A. Here we go.
- Q. Do you have any specific experience with working with Google?
  - A. Yes.
- Q. Please describe your experience.
  - A. Well, with both matchmaker and expertwitness, you have to -- you might buy advertising to drive traffic into your website, but you'll also end up driving traffic organically. So at matchmaker we were the largest Yahoo advertiser, but that only equated to 22 percent of the traffic.

(3)

#### Page 104

P. O'LEARY 1 The other traffic came in organically. 2 You just said "Yahoo." 3 Q. Did you meant to say "Google"? 4 Α. In 1995, it was Yahoo; Google 5 became popular in 1997, 1998 timeframe, all 6 7 right? But, you know, to come up on 8 Infoseek, Lycos, Yahoo, all the other 9 10 search engines that work off the same 11 principles of search engine optimization. 12 So our traffic came in 13 organically. So people would find us by doing searches. They might go to Yahoo, 14 Infoseek, Northern Light, or one of the 15 16 other search engines that were essentially 17 just the same as Google in the day. 18 So we're not going to split hairs because Google became the dominant 19 20 force in later years. It's irrelevant, In the early days, as this was being 21 okay? 22 built, there were many, many other 23 companies that were providing the exact 24 same service as Google, and you had to 25 provide the same technique.

(6)

Page 105

#### P. O'LEARY

And in those days, if I wanted to remove a URL, I'd have to go to Infoseek, I'd have to go to Lycos, I'd have to go to Yahoo, I'd have to get URLs removed.

You know, as things converged and things merged together, that's when Google became Google, and one or two others became the dominant force. But in the early days there might have been six large companies that we had to deal with.

So today Ms. Trombetta just asked you to remove it from Google, for gosh sakes. When I had a like situation, I had to go to six engines to deal with this. And I did not play games. I got it done on six search engines; you guys can't even do it on one.

MS. FARMER: Again, move to strike the narrative section as nonresponsive.

Q. Mr. O'Leary, again, I would ask you to refrain from you telling us what you think our client did or didn't do.

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### Page 106

1	P. O'LEARY
2	A. I'm not
3	(Cross-talk.)
4	THE COURT REPORTER: Hold on.
5	A. I'm telling you what I know.
6	Q. I'm asking you about Google;
7	you didn't tell me about Google.
8	A. Okay.
9	Q. So please tell me about your
10	experience with Google.
11	A. Okay. Starting in 1998/1999,
12	we had to start dealing with Google. By
13	2000, which is still 16 years before the
14	issue with this lawsuit, okay, I started
15	things started to converge, and I would
16	start having to optimize pages that would
17	work for Google. The tricky part was that
18	page optimization had to be done for Google
19	and the others at the time. As things
20	converged more and more, you just had to
21	focus on Google.
22	Q. And that was part of your work
23	for matchmaker?
2 4	A. Matchmaker and expertwitness.
25	Matchmaker was sold, then I acquired

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Page 107

1	P. O'LEARY
2	expertwitness.com.
3	Q. And have you actually served as
4	an expert witness on behalf of Google?
5	A. Yes, actually, I have.
6	Q. What was the nature of that
7	engagement?
8	A. It had to do with it's a
9	good thing you brought that up because I
10	probably would have forgotten about it.
11	It had to do with their social
12	media platform called Google Circles, and
13	they were trying to build out a social
14	media platform that was a lot like
15	Facebook, a lot like the early social media
16	platforms, Myspace, Facebook, Twitter, and
17	so forth. And, you know, what I served
18	with them was to help them deal with some
19	intellectual property issues.
20	Q. Besides this case, have you

- Q. Besides this case, have you served as an expert witness in any case that involved removing content or pages from any search engines such as Google?
- A. I'd have to look at my CV to give you more detail on that. But I can

21

22

23

24

EH#7

Pages

EBay Customer Service

We can only provide if we have an item number. I can provide the item number. All right.

00;14;38;18 - 00;14;41;13 Annamarie Trombetta Thank you

EBay Customer Service please. Stay on the line.

00;14;41;13 - 00;14;41;26 Annamarie Trombetta I will.

00;14;42;18 - 00;14;43;10

EBay Customer Service
I will Be placing you on hold.

00;14;43;19 - 00;14;45;01 Annamarie Trombetta Thank you. Thank you.

00;14;46;11 - 00;14;48;06

EBay Customer Service

Thanks so much for staying on line here Anna

00;14;48;08 - 00;14;49;15 Annamarie Trombetta Yes. And your name?

EBay Customer Service Yeah, my name is Jamie.

00;14;53;05 - 00;14;57;27

Annamarie Trombetta

Jamie. Jamie, what do you mean by it was a third party seller.

00;14;58;17 - 00;15;01;06

Jamie EBay Customer Service

Um, it's like they're using a third party application.

00;15;02;18 - 00;15;03;10
Annamarie Trombetta
Who is using.

00;15;03;10 - 00;15;09;11

Jamie EBay Customer Service

A open third party apps on their account. And regarding that, that is actually not from ebay anymore.

00;15;09;17 - 00;15;12;14 Annamarie Trombetta





00;22;30;04 - 00;22;46;26

#### Aldrin

Not Necessarily it has been standardized since then. So that will be like for you. I need to get that standard number for item numbers at least 48924172 and this will be associated with WorthPoint item numbers.

00;22;47;00 - 00;22;47;13 Annamarie Trombetta Okay.

00;22;48;29 - 00;23;33;27

#### Aldrin

So since it's on your website might have been login register between that specific series of numbers. OK, but do further check on this I'll be needing. to go up to our Listing Policy Department, you know, I'd be looking further into it Together with that if you have access beyond the items that we have here on eBay, all the reports, all the details of the left bank that he might have even requiring this particular item for documents for COPYRIGHT purposes like listing items like this very easy or whatnot, most likely the seller of items was required to provide us (eBay) with documents updated to make sure for us as well that items which We know

#### Annamarie Trombetta

Right

And so I can give you just stay the line for me for a couple of seconds for Our Listing Policy department,

#### Annamarie Trombetta

listing policy department. Thank you.

#### Aldrin

And you're welcome stay on the line please.

00;23;51;15 - 00;23;54;22 Annamarie Trombetta

I shall

#### FOURTH EBAY SPECIALIST

00;23;55;22 - 00;24;02;22

Archer

Your name please..

#### Annamarie Trombetta

your name is Arthur

#### Archer

Archer.

#### Annamarie Trombetta

Archer. OK, and what department are you from? From eBay?



Poge 19

indirectly or directly, eBay is connected and responsible for the information

00;38;11;21 - 00;38;25;15

#### Archer

Possible Yes. So that can be true that if this owner who created this part of their Web site didn't provide any ah.. specific information. They just copied what was under this description it's impossible for us to check or confirm

00;38;27;26 - 00;38;31;26 Annamarie Trombetta It's possible or impossible 00;38;31;26 - 00;38;32;28

#### Archer

Impossible,

00;38;33;22 - 00;39;19;23

#### Annamarie Trombetta

Impossible So basically what I have is ah it's basically copyright infringement. Your Web site has a great deal of information regarding copyright infringement. In other words, WorthPoints. And eBay is associating my name because it says it right in the title. Annamarie Trombetta. Is it possible for eBay to take this down since you say you don't know who the seller is and it's impossible for you to find out who the seller was? Is it possible for you ....for eBay . . .to take this off the Internet?

00;39;26;21 - 00;39;39;06

#### Archer

We can but you have that option because it bears your name in their site.
You can request for Worth point to remove this breach on their site.
It's on their site.

00;39;39;06 - 00;39;58;06

#### Annamarie Trombetta

So it's my responsibility. Now, to have WorthPoint, take it down, but it's associated with eBay because there's a link to eBay. So does eBay have any responsibility in in.. assisting me with taking this down.

00;39;58;29 - 00;40;11;18

#### Archer

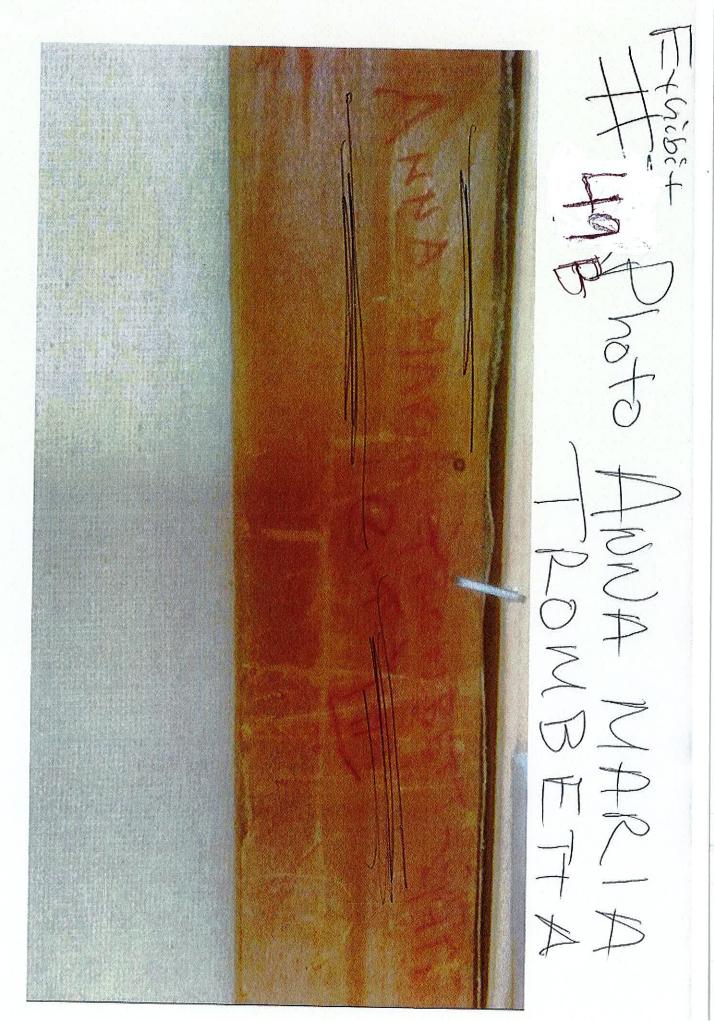
If it's free If we really have a specific link for the sale. all right... It only shows the link of the home page of eBay. Having it confirmed that it's sold on eBay.

But if it shows a source which it's UNDEFINED it's only a website It's only a page . . It's a homepage So let's say if we have a partner to this website.. right?

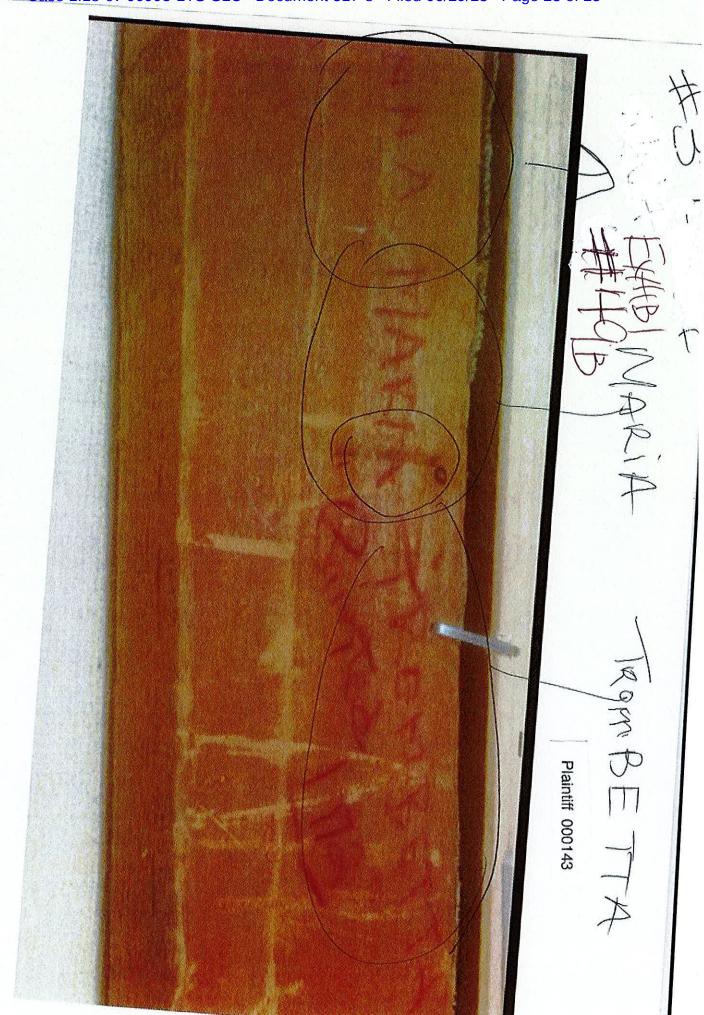
00;40;26;09 - 00;40;32;03

#### Annamarie Trombetta

It's a home page, but then it clicks on to the actual website of eBay.

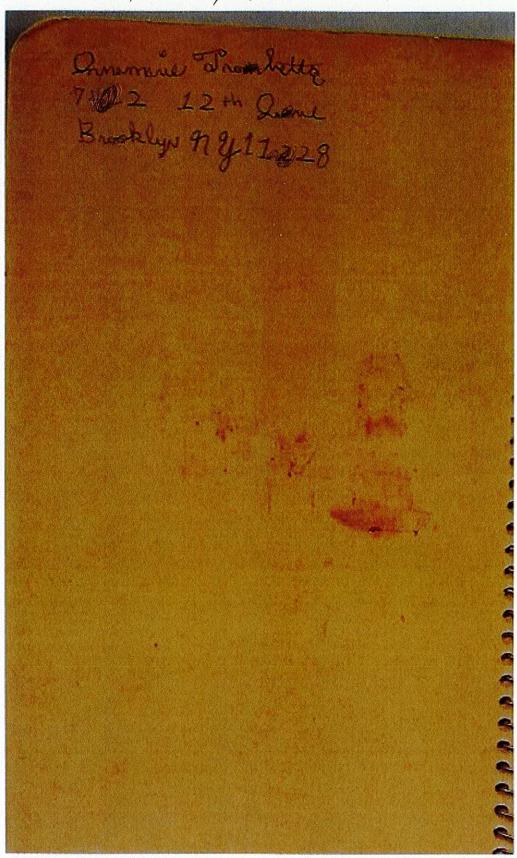


Plaintiff000142



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Case 1:18-cv-00993-LTS-SLC Document 517-8 Filed 06/29/23 Page 25 of 25 Plaintiff000260